

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

<b>UNITED STATES OF AMERICA,</b>	:	
v.	:	<b>Crim No. WDQ-13-457</b>
<b>ROBERT M. FELDMAN</b>	:	
<b>Defendant.</b>	:	

: : : : : :

**MOTION FOR FINAL ORDER OF FORFEITURE**

The United States of America, by and through undersigned counsel, hereby moves for a final order of forfeiture based on settlements with the third party claimants in this case, Ariel Feldman, and Amy Feldman, (together “the claimants”), and in support states the following:

1. On or about September 3, 2013, the Court entered an order of forfeiture in the above-captioned case forfeiting various assets to the United States pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), 18 U.S.C. § 1956(c)(7), and 18 U.S.C. § 1961(1) (Doc. 12).

2. The government subsequently filed several motions to add substitute assets that had been identified subsequent to the preliminary order and motions to correct the descriptions of those items. Pursuant to those motions, the Court entered amended orders of forfeiture. The corrected orders listing the property to be forfeited were entered on September 3, 2013 (Doc. 12, Consent Order of Forfeiture (“Order”)), on April 16, 2014 (Doc. 28, Second Amendment to Order of Forfeiture (“Second Am. Order”)), and on April 17, 2014 (Doc. 31, Corrected First Amendment to the Order of Forfeiture (“First Am. Order”)) (together the “Orders of Forfeiture”).

3. Pursuant to 21 U.S.C § 853(n)(1) the government sent direct notice of the Orders of Forfeiture to a number of individuals on April 16, 2014 and published notice of the forfeitures

on February 21, 2014. Two claims were made, described below. The deadline for the other individuals who received direct notice to make a claim was May 16, 2014. The deadline for all other individuals to make a claim in response to the publication was April 22, 2014.

4. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A), the Defendant Robert M. Feldman agreed to the entry of a final order of forfeiture prior to the time of his sentencing. A copy of the Defendant's written consent is attached hereto as **Exhibit 1**.

**Amy Feldman's Claim**

5. On May 1, 2014, Amy Feldman filed a timely claim to some of the property listed in the Orders of Forfeiture pursuant to 21 U.S.C. § 853(n)(2) ("Amy Feldman Claim," Doc. 33).

6. On or about July 15, 2014, Amy Feldman and the government agreed to a disposition of Amy Feldman's Claim. A copy of the settlement agreement is annexed hereto as **Exhibit 2**.

7. According to the agreement, the government agreed to move to amend the Orders of Forfeiture pursuant to 21 U.S.C. § 853(n)(6)(A) to exclude the following property, and to return any of the property listed below that is in the government's possession to Amy Feldman:

*Items From Bryn Mawr Trust Safety Deposit Box Acquired Prior to the Initiation of the Fraud*

- a. The jewelry listed in Second Am. Order as items 2-15, 19, 21-22, 24-28, 30-68, 71-79, 81-89, 92-98, 100, 102-104, 106-110, 114-118, 121-123, 125; (Amy Feldman Claim, Doc. 33 ¶ IV., a. i through civ.);

*Items in Amy Feldman's Possession Acquired Prior to the Initiation of the Fraud  
(Descriptions Provided By Amy Feldman)*

- b. 18K white gold square shaped earrings containing 96 brilliant cut diamonds; (Amy Feldman Claim, Doc. 33 ¶ IV., b. i.);
- c. 18" strand of graduated white south sea pearls with an 18k white gold pave diamond clasp containing a total of .65 cts. of diamonds; (Amy Feldman Claim, Doc. 33 ¶ IV., b. ii.);

- d. Ladies 14kt yellow gold pearl stud earrings, containing one 12MM south sea pearl in each, with one brilliant cut diamond, 4-prong set, below; diamonds weighing a total of 1.60 cts.; (Amy Feldman Claim, Doc. 33 ¶ IV., b. iii.);
- e. Ladies platinum ring containing one center emerald cut diamond weighing 7.96 cts., also 2 side emerald cut diamond one weighing 1.73 cts. and one weighing 1.89 cts., previously sold by claimant with government's permission; (Amy Feldman Claim, Doc. 33 ¶ IV., b. iv.);
- f. Ladies fine quality single strand 9.5-10MM cultured pearl necklace containing 43 pearls with 18K yellow gold clasp with round diamonds weighing a total of .38 cts; (Amy Feldman Claim, Doc. 33 ¶ IV., b. v.);
- g. 18kt yellow gold ladies Rolex watch with mother of pearl diamond dial with ten diamond markers and diamond bezel, presidential link bracelet; (Amy Feldman Claim, Doc. 33 ¶ IV., b. vi.);
- h. 18kt white gold square maze like earrings with round and baguette diamonds, prong set, sixty-eight diamonds weighing 3.15 cts.; (Amy Feldman Claim, Doc. 33 ¶ IV., b. vii.);
- i. Platinum diamond eternity bracelet containing princess cut baguettes and brilliant cut diamonds; (Amy Feldman Claim, Doc. 33 ¶ IV., b. viii.);
- j. Platinum diamond eternity necklace 4 prong set containing 79 brilliant cut diamonds, previously sold by claimant with the government's permission; (Amy Feldman Claim, Doc. 33 ¶ IV. b. ix.);

*Financial Institution Accounts*

- k. Funds in Bryn Mawr Trust account ending in 2255, previously released to claimant by government; (Amy Feldman Claim, Doc. 33 ¶ III. A.);
- l. Funds in Bryn Mawr Trust account ending in 5617, previously released to claimant by government;
- m. \$1,358,980.76 representing a portion of the \$2,706,250.51 seized from the accounts at Bryn Mawr Trust ending in 1518 (\$6,572.41 seized), 4215 (\$680.32 seized)<sup>1</sup>, 1418 (\$659,098.58 seized), and 4556 (\$225,932.46 seized) (Amy Feldman Claim, Doc. 33 ¶ III., a.-e.) and from BB&T Bank accounts ending in

---

<sup>1</sup> The government incorrectly listed this account in the Orders of Forfeiture account number 2074275. The account number is 2074215, and the government hereby moves to amend the Orders of Forfeiture to correct this error.

2383 (seized \$9,352.51) and 7568 (\$1,804,614.23); (Amy Feldman Claim, Doc. 33 ¶ III., f-g.);

- n. Prudential Life Insurance Policy ending in 2840; (Amy Feldman Claim, Doc. 33 ¶ III., h.);

*Real Property*

- o. The real property located at 102 Gulfstream Road, Palm Beach, Florida 33480 (Amy Feldman Claim, Doc. 33 ¶ I., a.).

8. In exchange for the return of the property listed above, Amy Feldman agreed not to contest the forfeiture of the remaining property listed in the Orders of Forfeiture, including, but not limited to, the property listed below. *See* Ex. 2 ¶ 4.

**Ariel Feldman's Claim**

9. On May 1, 2014, Ariel Feldman also filed a timely claim to the certain property listed in the Orders of Forfeiture pursuant to 21 U.S.C. § 853(n)(2) ("Ariel Feldman Claim," Doc. 35).

10. On or about July 17, 2014, Ariel Feldman and the government agreed to a disposition of Ariel Feldman's claim. A copy of the settlement agreement is annexed hereto as **Exhibit 3**.

11. According to the agreement, the government agreed to move to amend the Orders of Forfeiture to exclude the following property, and to return any of the property listed below that is in the government's possession to Ariel Feldman:

- a. The jewelry listed in the Second Am. Order as items 1, 16-18, 20, 23, 69, 70, 80, 90, 91, 99, 101, and 105; (Second Am. Order; Ariel Feldman Claim, Doc. 35 ¶ III., a-n.);
- b. \$8,810 in U.S. currency seized from a safety deposit box at Bryn Mawr Trust (First Am. Order ¶ 6; Ariel Feldman Claim, Doc. 35, ¶ II a.).

12. In exchange for the return of the property listed above, Ariel Feldman agreed not to contest the forfeiture of the remaining property listed in the Orders of Forfeiture, including but not limited to, the property listed below. *See* Ex. 3 ¶ 2.

**Property to be Forfeited to the United States**

13. Having addressed the two third-party claims made in this case, the government requests that the Court enter a final order of forfeiture forfeiting the following property listed in the Orders of Forfeiture:

- a. The net proceeds from the sale of the real property located at 102 Gulfstream Road, Palm Beach, Florida 33480, to be payable directly from the buyer of the property to the United States Marshal's Service; (Amy Feldman Claim, Doc. 33 ¶ I., a.);<sup>2</sup>
- b. Proceeds from the sale of the real property located at 516 S. Ocean Boulevard, Palm Beach, Florida 33480; (Amy Feldman Claim, Doc. 33 ¶ II., a.; First Am. Order, Doc. 31 ¶ 16);
- c. Proceeds from the sale of the real property located at 228 Seabreeze Avenue, Palm Beach, Florida 33480; (Amy Feldman Claim, Doc. 33 ¶ II., b.; First Am. Order, Doc. 31 ¶ 15);
- d. The \$1,347,269.75 in United States currency representing a portion of the \$2,706,250.51 funds seized from Bryn Mawr Trust accounts ending in 1518 (\$6,572.41 seized), 4215 (\$680.32 seized), 1418 (\$659,098.58 seized), 4556 (\$225,932.46 seized) (Amy Feldman Claim, Doc. 33 ¶ III., a-e.) and from BB&T Bank accounts ending in 2383 (seized \$9,352.51) and 7568 (\$1,804,614.23) (Amy Feldman Claim, Doc. 33 ¶ II., f-g.) (First Am. Order, Doc. 31 ¶ 1);
- e. Diamond bracelet – 31 ct. total weight of 30 emerald cut diamonds in a platinum mounting; (Amy Feldman Claim, Doc. 33 ¶ IV., c. iii; First Am. Order, Doc. 31 ¶ 10);
- f. Handmade platinum ring containing emerald cut diamond weighing 11.43 ct and two emerald cut diamonds weighing 3.62 cts. (Amy Feldman Claim, Doc. 33 ¶ IV., c. iv.; First Am. Order, Doc. 31 ¶ 10);

---

<sup>2</sup> The First Amendment to Order of Forfeiture (Doc. 23), lists the real property located at 102 Gulfstream Road, Palm Beach, Florida 33480. The parties have agreed that the government will forfeit the net proceeds of the sale of that property, rather than the property itself.

- g. A 2009 Boston Whaler, Hull No. BWCE4066L809 (Order, Doc. 12);
- h. A 2010 Rolls Royce, VIN SCA664S51AUX48735 (Order, Doc. 12);
- i. The right to receive the sum of \$85,000, that being the principal on a loan from Robert M. Feldman to Scott Feldman dated September 5, 2012 and August 7, 2013; (First Am. Order, Doc. 31 ¶ 2);
- j. The right to receive the sum of \$67,000, that being the principal on a loan from Robert M. Feldman to Lisa Feldman in 2011 and 2012; (First Am. Order, Doc. 31 ¶ 3);
- k. \$500,000 that was transferred to Scott A. Feldman, and \$500,000 that was transferred to Lisa Feldman Baines, on or about March 19, 2008, and all property traceable thereto; (First Am. Order, Doc. 31 ¶ 8);
- l. One 19 Foot Boston Whaler described as having a fair market value of \$30,000 and being located at Hampton Bay, Marina, Hampton Bay, New York; (First Am. Order, Doc. 31 ¶ 9);
- m. One 2013 Porsche VIN WPOCA2A95DS140929; (First Am. Order, Doc. 31 ¶ 11. a.);
- n. One 2014 Mercedes Benz E30 convertible VIN WDDKK5KF9EF264281; (First Am. Order, Doc. 31 ¶ 11. b.);
- o. One 2013 Range Rover VIN SALGS2DFXDA104975; (First Am. Order, Doc. 31 ¶ 11 c.);
- p. All right, title, or interest of Robert M. Feldman in Delaware Consulting, LLC; (First Am. Order, Doc. 31 ¶ 12);
- q. The proceeds of the sale of horses known by the following names (First Am. Order, Doc. 31 ¶ 13):
  - i. Feel Like a Fool
  - ii. Winkin Atcha
  - iii. Custard the Dragon
  - iv. Wind Me Up
  - v. Cas Again
  - vi. Racing Rockey
  - vii. Want Answers

- r. The jewelry listed in the Second Am. Order as items 29; 111-113; 119-120; and 124; (Second Am. Order; Ariel Feldman Claim, Doc. 35 ¶ III., a-n.);

*Seized from BB&T Safety Deposit Box 71 (First Am. Order, Doc. 31 ¶ 7,10)<sup>3</sup>*

- s. A bracelet made of white colored beads, Tiffany and Co., with black jewelry box;
- t. A gold colored box with white colored bead necklace;
- u. A gold colored lock-shaped necklace in Tiffany and Co. bag;
- v. A Bernie Robbins single setting purple stone ring;

*Jewelry in Amy Feldman's Possession to be Surrendered to the Government*

- w. A diamond band, 13.75 cts. total weight of 13 emerald cut diamonds (Amy Feldman Claim, Doc. 33 ¶ IV., c. i.; First Am. Order, Doc. 31 ¶ 10);
- x. A diamond pendant, 3.03 cts. round cut diamond in platinum mounting on chain (Amy Feldman Claim, Doc. 33 ¶ IV., c. ii.; First Am. Order, Doc. 31 ¶ 10);
- y. A heart-shaped diamond, 6.14 cts. (Amy Feldman Claim, Doc. 33 ¶ IV., c. v.; First Am. Order, Doc. 31 ¶ 10).

**WHEREFORE**, the United States of America respectfully requests that the Court enter a Final Order of Forfeiture which (1) orders the return of the property listed above in paragraphs 7 and 11 that is in the government's possession as described above and in accordance with the requirements of the Treasury Offset Program, which requires the Internal Revenue Service to determine that the claimants do not owe any unrelated debts to the United States; (*see* U.S.C. § 3716), (2) orders the final forfeiture of all property listed in paragraph 13, and (3) declares that pursuant to Rule 32.2 that all third party claims to the forfeited property have been resolved, and

---

<sup>3</sup> This property, although not specifically listed, was covered by the First Amendment to Order of Forfeiture (Doc. 23), in paragraph 10, which listed "All jewelry in the possession of Robert M. Feldman or his wife, including jewelry listed on Robert M. Feldman's net worth statement as having fair market value of \$2,000,000" and in paragraph 7 which listed "the contents of safe deposit box Number 71 at BB&T Bank, Palm Beach, Florida, or any other safe deposit box at BB&T to which Robert M. Feldman or Amy Feldman has access."

its Final Order of Forfeiture is now final in all respects. A proposed order is attached for the convenience of the Court.

Respectfully submitted,

Rod J. Rosenstein  
UNITED STATES ATTORNEY  
District of Maryland

\_\_\_\_\_/s/\_\_\_\_\_  
Evan T. Shea  
Assistant United States Attorney  
36 South Charles Street, Fourth Floor  
Baltimore, Maryland 21201  
Tel: (410) 209-4800



**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on August 5, 2014, a copy of the foregoing Motion for Final Order of Forfeiture was filed via CM/ECF and served electronically on all parties via that system.

\_\_\_\_\_/s/\_\_\_\_\_  
Evan T. Shea  
Assistant United States Attorney